

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

PETER J. MILLER, an individual,
CLIFFORD HOYT, an individual, and
CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,
a Delaware corporation,

Plaintiffs,

v.

PATRICK TREADO, an individual, and
CHEMIMAGE CORP., a Delaware
corporation,

Defendants.

Civil Action No. 05-10367-RWZ

**[ASSENTED-TO]
COMBINED MOTION AND MEMORANDUM IN SUPPORT THEREOF
TO IMPOUND PURSUANT TO LOCAL RULE 7.2
PLAINTIFFS' MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION [D.E. 102] TO DENY KRISTINA M. JOHNSON, AN EXPERT
FOR DEFENDANTS, ACCESS TO PLAINTIFFS' PROTECTED MATERIAL,
ALL DECLARATIONS THEREOF, AND EXHIBITS 1, 2, AND 6 THERETO**

Plaintiffs Cambridge Research and Instrumentation, Inc., Peter J. Miller, and Clifford Hoyt (collectively, "CRI" or "plaintiffs"), by their attorneys COHEN, PONTANI, LIEBERMAN & PAVANE, hereby move the Court under LR 7.2 and the Protective Order in this litigation to impound PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION [D.E. 102] TO DENY KRISTINA M. JOHNSON, AN EXPERT FOR DEFENDANTS, ACCESS TO PLAINTIFFS' PROTECTED MATERIAL and certain exhibits thereto.

Because defendants have agreed to the relief requested herein, the granting of the requested relief is within the Court's discretion, and a full memorandum under LR 7.1(b)(1), including citation of supporting authorities, is not required.

[Assented-To] Motion/Memo to Impound under LR 7.2
Plaintiffs' Memorandum in Support of Motion [D.E. 102],
All Declarations thereof, and Exhibits 1, 2, and 6 thereto

In support, plaintiffs state as follows:

1. Plaintiffs have filed PLAINTIFFS' MOTION TO DENY KRISTINA M. JOHNSON, AN EXPERT FOR DEFENDANTS, ACCESS TO PLAINTIFFS' PROTECTED MATERIAL via ECF at [D.E. 102].

2. PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION [D.E. 102] TO DENY KRISTINA M. JOHNSON, AN EXPERT FOR DEFENDANTS, ACCESS TO PLAINTIFFS' PROTECTED MATERIAL ("PLAINTIFFS' MEMO"), the Declarations of Mher Hartoonian and Theodore I. Les in support thereof, and Exhibits 1, 2, and 6 thereto, have been designated "CONFIDENTIAL", and/or describe and/or characterize documents and/or testimony that have been so designated, in accordance with the Stipulated Protective Order [D.E. 38-2] in the present case.

3. Thus, plaintiffs request, with defendants' assent, that the Court order the impoundment of PLAINTIFFS' MEMO, the Declarations of Mher Hartoonian and Theodore I. Les in support thereof, and Exhibits 1, 2, and 6 thereto pursuant to LR 7.2, which impoundment shall last until further order of the Court.

4. Pursuant to LR 7.1(a)(2), defendants have indicated their assent.

5. Pursuant to LR 7.2(a), plaintiffs suggest PLAINTIFFS' MEMO, the Declarations of Mher Hartoonian and Theodore I. Les in support thereof, and Exhibits 1, 2, and 6 thereto be returned to plaintiffs' custody after the period of impoundment.

6. Pursuant to instructions from the Clerk of the Court, copies of PLAINTIFFS' MEMO, the Declarations of Mher Hartoonian and Theodore I. Les in support thereof, and Exhibits 1, 2, and 6 thereto will be filed with the Court upon entry of the instant motion to impound.

[Assented-To] Motion/Memo to Impound under LR 7.2
Plaintiffs' Memorandum in Support of Motion [D.E. 102],
All Declarations thereof, and Exhibits 1, 2, and 6 thereto

WHEREFORE, plaintiffs respectfully request, with defendants' assent, that the Court:

A. Issue an order impounding:

- PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION [D.E. 102] TO DENY KRISTINA M. JOHNSON, AN EXPERT FOR DEFENDANTS, ACCESS TO PLAINTIFFS' PROTECTED MATERIAL;
- the Declarations of Mher Hartoonian and Theodore I. Les in support thereof, and
- Exhibits 1, 2, and 6 thereto.

B. Grant such further and other relief as this Court deems just, equitable and proper.

Respectfully submitted,

**PETER J. MILLER, CLIFFORD HOYT,
and CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,**

By their attorneys:

Dated: February 15, 2007

/s/ Teodor Holmberg
Martin B. Pavane (admitted *pro hac vice*)
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[Assented-To] Motion/Memo to Impound under LR 7.2
Plaintiffs' Memorandum in Support of Motion [D.E. 102],
All Declarations thereof, and Exhibits 1, 2, and 6 thereto

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Impound Pursuant to LR 7.2 filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on February 15, 2007.

The Motion to Impound requests that the following documents be sealed:

- PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION [D.E.102] TO DENY KRISTINA M. JOHNSON, AN EXPERT FOR DEFENDANTS, ACCESS TO PLAINTIFFS' PROTECTED MATERIAL ("PLAINTIFFS' MEMO");
- the Declarations of Mher Hartoonian and Theodore I. Les in support thereof; and
- Exhibits 1, 2, and 6 thereto.

PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION [D.E. 102] TO DENY KRISTINA M. JOHNSON, AN EXPERT FOR DEFENDANTS, ACCESS TO PLAINTIFFS' PROTECTED MATERIAL and all declarations and exhibits thereto are being served on February 15, 2007, via e-mail and first class mail, on:

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/s/ Teodor Holmberg
Teodor J. Holmberg (BBO# 634708)

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